

Attorney's Docket No. PA-5213-CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of \_\_\_\_\_  
(Inventor(s))  
for \_\_\_\_\_  
(Title of invention)

the specification of which is being transmitted herewith

OR

In re application of: Pavcnik et al.

Customer No.: 9896

Serial No.: 09/777,091

Group No.: 3738

Filed: February 5, 2001

Examiner: Javier G. Blanco

For: IMPLANTABLE VASCULAR DEVICE

765-463-

812-330-1834

Commissioner for Patents  
Alexandria, VA

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 CFR 1.56(a).

"INDIVIDUALS ASSOCIATED WITH THE FILING OR PROSECUTION OF A PATENT APPLICATION WITHIN THE MEANING OF THIS SECTION ARE:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1195 O.G. 13-25 at 17.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[ ] deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

37 CFR 1.8(a)

37 CFR 1.10

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Pamm Garwood  
Signature

Date: January 12, 2004

Pamm Garwood  
(Type or print name of person certifying)

(Information Disclosure Statement [6-1] -- Page 1 of 6 )

## List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

*(Check sections forming a part of this statement: discard unused sections and number pages consecutively)*

1. ☒ Preliminary Statements
2. ☒ Form PTO-1449 (Modified)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

*(Complete the following, if appropriate)*

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1] -- Page 2 of 6 )

## Section 1. Preliminary statements

Applicants submit herewith patents, publications, or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement -- Section 1. Preliminary Statements [6-1] -- Page 3 of 6 )

## Section 2. Form PTO-1449 (Modified)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FORM PTO-1449 (Modified)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. PA-5213-CIP	SERIAL NO. 09/777,091
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Pavcnik et al.	
37 CFR 1.98 (b)		FILING DATE February 5, 2001	GROUP 3738

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5	4	8	9	2	9	7	2/1996	Duran			
	AB	5	7	2	8	1	5	2	3/1998	Mirsch, II et al.			
	AC	6	1	2	6	6	8	6	10/2000	Badylak et al.			

### FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
													YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Information Disclosure Statement -- Section 2. FORM PTO-1449 (Modified) -- Page 4 of 6

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 CFR 1.98(a)(2) requires that any information disclosure statement filed under S 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included ..."*

*NOTE: The wording in S 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Form PTO-1449 accompany this information statement.

*(Complete the following, if applicable)*

- ☐ Exception(s) to above:
  - ☐ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.
  - ☐ Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement -- Section 6. Copies of Listed Information Items  
Accompanying This Statement [6-1] -- Page 5 of 6 )

## Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is:

*(Check each applicable item (a) and (b))*

(a) ☐ the inventor(s) who signs below.

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(Type or print name of inventor)*

(b) ☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).

\_\_\_\_\_  
SIGNATURE OF ASSOCIATED INDIVIDUAL

\_\_\_\_\_  
*(Type or print name of individual)*

(c) ☒ the attorney who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application.  
(37 CFR 1.56(c))

☒ in the attorney's file.

Date: January 12, 2004

Reg. No.: 44,497

Tel. No.: (812) 330-1824

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY/AGENT

\_\_\_\_\_  
Charles W. Agnew  
*(Type or print name of attorney/agent)*

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(Information Disclosure Statement -- Section 10. Identification of Person(s)  
Making This Information Disclosure Statement [6-1] -- Page 6 of 6 )